



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,087	08/28/2001	Ichiro Okajima	213306US2PCT	3965
22850	7590	06/29/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplementary  
Notice of Allowability**

Application No.

09/926,087

Examiner

Lisa Hashem

Applicant(s)

OKAJIMA, ICHIRO

Art Unit

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-27-06.
2. ☒ The allowed claim(s) is/are 1-9 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4-27-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: IDS.

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 4-27-2006 is acknowledged by the examiner. The IDS was not considered in the Notice of Allowance filed on 5-12-2006.
2. The Examiner discussed sending this action in a telephone interview with Applicant's representative James Love on 6-23-2006.

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance over the prior art included in the IDS filed on 4-27-2006:

The communications operating system and method of WO 96/14719 by Heuvel et al (hereinafter Heuvel) is functionally equivalent to the claimed transmitting software because the common communication system (Fig. 4, 19) performs the claimed limitations of transmitting software or an enabling program to a mobile station (Fig. 5) that is not equipped with the software to utilize a second radio communication method. Although, Heuvel teaches a common communication system transmits software to a mobile station to enable a mobile station to utilize a selected second radio communication method (page 3, line 28 – page 4, line 35; Fig. 1; Fig. 2), Heuvel fails to teach identifying which one of the two radio stations is not equipped with software of a relevant radio communication method and the software of this radio communication method is transmitted to the identified one of the two radio stations from the other one of the two radio stations.

The software download of reference by Noblet et al (hereinafter Noblet) is functionally transmitting software because a base station performs the claimed limitations of downloading software to a mobile station that is not equipped with the software in a second radio

Art Unit: 2614

communication method. Although, Noblet teaches a base station downloads software to a mobile station wherein a user specifies the software that the mobile station requires to download (see Abstract; page 4, lines 10-17; page 5, lines 18-27; Fig. 2), Noblet fails to teach identifying which one of the two radio stations is not equipped with software of a relevant radio communication method and the software of this radio communication method is transmitted to the identified one of the two radio stations from the other one of the two radio stations.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

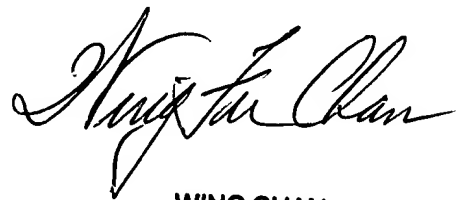
Art Unit: 2614

relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh  
June 26, 2006



WING CHAN  
SENIOR PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600